

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	09-00329-01-CR-W-DW
JAMES PHILLIP EDWARDS,)	
)	
Defendant.)	

On March 12, 2010, the Court entered its own Order that defendant Edwards be transferred to a suitable Bureau of Prisons facility for appropriate medical treatment and a mental evaluation, pursuant to 18 U.S.C. § 4241, for a determination of the mental competency of the defendant to stand trial. The Court entered its Order, pursuant to 18 U.S.C. § 4241(b), directing that a psychological or psychiatric examination of the defendant be conducted and that a psychological or psychiatric report be filed with the Court pursuant to 18 U.S.C. §§ 4247(b) and (c).

The Court has now received the psychological or psychiatric report of Dr. Christina A. Pietz which concluded that the defendant is competent to understand the nature and consequence of the proceedings against him and to assist properly in his defense. This report has been provided to and reviewed by counsel for the government and counsel for the defendant. On June 18, 2010, a hearing was held pursuant to 18 U.S.C. § 4247(d) for the purpose of determining the mental competency of the defendant to stand trial. At this hearing, counsel for the government and counsel for the defendant stipulated that the Court could consider the

psychological or psychiatric report of Dr. Christina A. Pietz as if Dr. Pietz had appeared in person and testified under oath. No additional evidence was offered by the government or by the defendant.

Based on the record before the Court and the findings of Dr. Christina A. Pietz, it is RECOMMENDED that the District Court, after conducting its own independent review of the record, find that defendant Edwards is competent to understand the nature and consequence of the proceedings against him and to assist properly in his defense.

Counsel are reminded that each has 14 days from the date of receipt of a copy of this Report and Recommendation to file and serve specific objections to the same. A failure to file and serve timely objections shall bar attack on appeal of the factual findings in this Report which are accepted or adopted by the District Judge except upon the ground of plain error or manifest injustice.

/s/ JOHN T. MAUGHMER

JOHN T. MAUGHMER
United States Magistrate Judge

Kansas City, Missouri